

Assembly Bill No. 882

Passed the Assembly September 9, 2009

Chief Clerk of the Assembly

Passed the Senate September 3, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 101.10 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 882, Fuller. Highways: victim memorial signs.

Existing law requires the Department of Transportation to design, construct, place, and maintain, or cause to be designed, constructed, placed, and maintained, "Please Don't Drink and Drive" signs on state highways in memory of accident victims killed in accidents involving another party who was convicted of drunk driving or various other alcohol-related offenses, as specified, if the sign is requested or consented to by an immediate family member of the accident victim and the requester pays a fee to cover the department's costs, as specified.

This bill would expand these provisions to also include "Please Drive Safely" signs in memory of victims killed in vehicular accidents unrelated to drugs or alcohol. The bill would limit to 24 the number of signs that may be placed each calendar year under these new provisions, with a maximum of 2 signs per year in each district of the department.

The people of the State of California do enact as follows:

SECTION 1. Section 101.10 of the Streets and Highways Code is amended to read:

101.10. (a) (1) The department shall design, construct, place, and maintain, or cause to be designed, constructed, placed, and maintained, along state highways, signs that read as follows: "Please Don't Drink and Drive," followed by: "In Memory of (victim's name)." These signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing. Signs may memorialize more than one victim. "Victim" for purposes of this section means a person who was killed in a

vehicular accident, but does not include a party described in paragraph (2) of subdivision (c).

(2) The department shall also design, construct, place, and maintain, or cause to be designed, constructed, placed, and maintained, along state highways, signs that read as follows: “Please Drive Safely” followed by: “In Memory of (victim’s name).” These signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing. Signs may memorialize more than one victim. “Victim” for purposes of this section also means a person who was killed in a vehicular accident unrelated to drugs or alcohol. No more than 24 signs may be placed throughout the state each calendar year pursuant to this paragraph, with no more than two signs in each of the department’s 12 districts, notwithstanding any other provision of this section. Requests for signs under this paragraph shall be submitted to, and be processed by, the applicable district office of the department.

(3) The department shall adopt program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

(b) (1) If the placement at the location of a vehicular accident is safe and practical and the conditions of subdivisions (c) and (d) are met, the department shall place a sign described in paragraph (1) of subdivision (a) in close proximity to the location where the vehicular accident occurred.

(2) If the placement at the location of a vehicular accident is safe and practical and the condition of subdivision (d) is met, the department shall place a sign described in paragraph (2) of subdivision (a) in close proximity to the location where the vehicular accident occurred.

(c) (1) A party to that accident was convicted of any of the following:

(A) Murder of the second degree under Section 187, and the violation was a direct result of driving a vehicle while in violation of Section 23152 or 23153 of the Vehicle Code.

(B) Gross vehicular manslaughter while intoxicated under subdivision (a) of Section 191.5 of the Penal Code.

(C) Vehicular manslaughter under subdivision (b) of Section 191.5 of the Penal Code.

(2) A party to that accident operated a vehicle involved in the vehicular accident in violation of Section 23152 or 23153 of the Vehicle Code, but died in the accident or was not prosecuted because he or she is found mentally incompetent pursuant to Section 1367 of the Penal Code.

(d) (1) Upon the request of an immediate family member of the deceased victim involved in an accident occurring on and after January 1, 1991, and described in subdivision (b), the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the requesting party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. The sign shall be posted for seven years from the date of initial placement, or until the date the department determines that the condition of the sign has deteriorated to the point that it is no longer serviceable, whichever date is first.

(2) "Immediate family" means spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

(3) If there is any opposition to the placement of the memorial sign by a member of the immediate family, no sign shall be placed pursuant to this section.

Approved _____, 2009

Governor